

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dieter W. Blum)
Serial No. 09/728,633)
Filed: December 01, 2000)
For: METHOD AND APPARATUS)
FOR THE SPECTRALLY)
EFFICIENT ENCODING AND)
DECODING OF DISCRETE)
DATA INTO AND FROM)
ANALOG WAVEFORMS)

ArtUnit: 26332 → 2634
Examiner: Trieu, V.
Attorney
Ref. No.: P113414

BOX DAC
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

Date January 30, 2003
Jane E. Powles
Jane E. Powles

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN ABANDONED APPLICATION AND ACCEPT LATE
PAYMENT OF ISSUE FEE ON THE BASIS THAT THE
DELAY WAS UNINTENTIONAL**

Sir:

A check in the amount of \$650 is enclosed in payment of the Petition Fee. The payment of the final fee, the publication fee and also the original petition fee in the amount of \$55 have already been paid, and it is believed that no other fee is due at this time to properly present this Petition. However, if any such fee is due, please charge this to Deposit Account No. 08-3260.

On this last December 4, 2002, a Petition was filed in the above noted patent application to revive the application on the basis that the non-payment of the Issue Fee was unavoidable.

On December 9, 2002, there was a Decision mailed from the Office of Petitions, denying the Petition and stating as an alternative

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that if the Petitioner is unable to make a showing of unavoidable delay, an alternative course is to file a Petition and fee and state therein that "the entire delay for filing the required reply from the due date for the reply until filing a grantable petition pursuant to 37C.F.R. §1.137(b) was unintentional."

Accordingly, this Petition is being made on the basis that the entire delay in the payment of the final fee and publication fee from the due date for the payment until filing a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The facts supporting this Petition are presented in the attached Declaration of Mr. Dieter Blum, bearing his signature with the execution date being January 13, 2003.

To summarize briefly the situation that led to the unintentional abandonment, on January 8, 2002, a mortgage foreclosure proceeding against Mr. Blum and his wife was filed by his then lawyer and supposed business partner.

About the middle of January, 2002 Mr. Blum was advised by his patent attorney (the undersigned) that he had received a Notice of Allowance in the above application and that the Issue Fee must be paid by March 12, 2002. Mr. Blum indicated to the undersigned that if he could not raise these funds by March 12, 2002, he would unfortunately have no choice but to let the application go abandoned (due entirely to the fact of his financial inability to pay). On top of this, in early March just prior to the time when the Issue Fee and the Publication Fee were due, his former lawyer took steps to attach all the main accounts of Mr. Blum and his wife on which they were depending for basic living and subsistence.


Then in the latter part of August or in September, 2002, Mr. Blum was able to generate some interest in a company who later established a business relationship with Mr. Blum to do further development on the subject matter of the above application. That has now been accomplished, and Mr. Blum has instructed the undersigned to initiate the necessary Petition to Revive the application on the basis that the delay was unintentional.

The cooperation of Mr. Gillon of the Petitions Branch in advising the undersigned on these procedures is greatly appreciated. If there is any additional information needed or if there are any other items that need attention, and if consultation with the undersigned would be of benefit, such consultation would be welcome.

Signed at Bellingham, County of Whatcom, State of Washington this January 30, 2003.

Respectfully submitted,

DIETER W. BLUM,

By 

Robert B. Hughes, Reg. No. 19,304

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Serial 09/728,633) Examiner: Trieu, V.
No.
Filed: December 01, 2000)
For: METHOD AND) Attorney
APPARATUS FOR THE) Ref. No.: P113414
SPECTRALLY
EFFICIENT ENCODING
AND DECODING OF
DISCRETE DATA INTO
AND FROM ANALOG
WAVEFORMS

DECLARATION

I, Dieter Blum, having a home address of 5115 – 244th Street,
Langley, British Columbia, V2Z 1G5, state and aver the following:

1. I am the Dieter W. Blum who is the applicant in U. S. Patent Application 09/728,164 filed December 31, 2000, entitled "METHOD AND APPARATUS FOR ELECTRODYNAMIC ENTRUSION DETECTION"
2. For the last 25 years I have made my living primarily as a technical consultant doing research and development work for various clients. My research and development laboratory is located in my home residence. In approximately the Fall of 1998, I entered into what I believed to be a business relationship with the person who was then acting for me as my lawyer. I was very surprised when on

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January 8, 2002, my lawyer and supposed business partner started a mortgage foreclosure proceeding against my wife and myself with respect to our home residence which (as indicated above) is also the location of my research and development laboratory. The foreclosure on my home would be devastating not just to the personal life of my wife and myself, but also economically since our residence is also a place of business where I do my research and development work. It became necessary for me to immediately to direct my efforts and financial resources toward preventing this mortgage foreclosure, and I was in large part unable to even meet current basic living expenses.

3. About mid-January of 2002 I was advised by my attorney, Mr. Robert B. Hughes, that he had received a Notice of Allowance in the above noted application, and that the issue fee must be paid on March 12, 2002. At that time I advised Mr. Hughes that I would likely not be able to generate any funds or make any payments toward this issue fee, and that if I could not raise these funds by March 12, 2002, I would unfortunately have no other choice than to let the patent application go abandoned (due entirely to the fact of my financial inability to pay the issue fee).

4. I had indicated to Mr. Hughes that if I could manage to raise the funds to pay the issue fee, I would let him know on or before the due date of March 12, 2002. However, just prior to that time, in early March of 2002, my former lawyer who had started the mortgage foreclosure now took steps to attach my main accounts receivable

upon which my wife and I now were depending upon for our basic living and subsistence, and subsequently obtained an Injunction against me. These accounts specifically consisted of several Scientific Research and Experimental Development funds due to me and my R & D firm for expenditures incurred in relation to R & D conducted in respect to the present invention and several others.

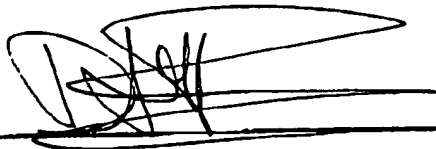
5. I, myself, and my R & D firm had devoted substantial effort, resources and expenditures over the period of 1998 through late 2001 on the present invention on which the above noted patent application was filed, to provide sufficient subsistence cash flow for the better part of 2002. However, in view of the impending mortgage foreclosure and the injunctions freezing my sources of income, all this done by the actions of my former attorney, my wife and I were faced with losing our home residence and my working laboratory and had no choice but to eliminate any expenditures which were not absolutely necessary to our present survival. However, it had always been my intention to pursue the invention which is the subject matter of the above application as soon as I could find sufficient funds to do so.

6. In the latter part of August or the early part of September, I did generate interest in a company which later established a business relationship with me to do further development work on the invention of the above noted application, and was willing to advance funds toward this. During that time, from early August to about early December, I myself was personally strapped for finances to the extent I

still could not see the way to pay these fees out of my own earnings. Accordingly, with this more recent financial backing of the development of the invention of the above noted patent application, the funds now became available, and it is my strong desire to have this patent application reinstated and to continue with the development of the invention.

I, Dieter W. Blum, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

EXECUTED this 13th day of January, 2003.



Dieter W. Blum